

REMARKS

Claims 1-82 are pending, with claims 1, 10, 16, 20, 29, 35, 44, 50, 59, 65, and 74 being in independent form. Claims 1, 10, 16-19, 22, 35, and 50-64 have been amended. The Specification has been amended. No new matter has been added. Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

Allowable Subject Matter

The indication of allowed claims 20-49 and 65-82 is acknowledged and appreciated. The claims are retained.

Information Disclosure Statement

Please consider the reference provided on the included information disclosure statement, and please initial and sign the enclosed PTO-1449 form.

Examiner Interview Summary

Examiner Khai Tran is thanked for the telephone interviews held on February 4, 2009 and February 18, 2009 with Mr. Fryckman. The substance of the interviews included a discussion of the language of claims 1, 10, 16, and 50-64 and the claim rejections under 35 U.S.C. 101 and 35 U.S.C. 112 as indicated by the Office action dated December 17, 2008. Examiner Khai Tran agreed to withdraw the rejection to claims 50-64 under 35 U.S.C. 112 if the specification is amended with appropriate language.

Rejections Under 35 U.S.C. §112

Claims 50-64 stand rejected under 35 U.S.C. §112 as allegedly failing to comply with the enablement requirement. However, the original application fully enabled the claimed subject matter since one of ordinary skill in the relevant art would necessarily understand how to make and use the claimed subject matter in view the original description. Nonetheless, in order to expedite prosecution, the claims have been amended to use language more closely aligned with the original application as filed (see e.g., original claims 50-64, describing a “computer program”, and paragraph [0020], describing “other types of wireless communication devices”). As will be appreciated, it is inherent that the systems and techniques described can be implemented using a memory. Thus, one of ordinary skill in the art would be enabled to make and use the invention as claimed using a memory, as claimed. In addition, the Specification has been amended, without adding new matter, to explicitly recite the subject matter inherently present in the original application as filed. Thus, this amendment obviates the rejection to claims 50-64, and withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Rejections Under 35 U.S.C. §101

Claims 1-19 stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Without conceding the propriety of the rejections and to expedite prosecution, independent claims 1, 10, and 16 have been amended to obviate the rejection to claims 1-19. Thus, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested

Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

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In view of the above remarks, claims 1-82 should be in condition for allowance, and a formal notice of allowance is respectfully requested.

Please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/12/09


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